

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA
AT WHEELING**

**DIANA MEY, on behalf of herself and a
class of others similarly situated,**

Plaintiff,

v.

**MATRIX WARRANTY SOLUTIONS,
INC., et al.,**

Defendants.

Civil Action No. 5:21-CV-62 (Bailey)

**MEMORANDUM IN SUPPORT OF DEFENDANTS MATRIX WARRANTY
SOLUTIONS, INC. AND MATRIX FINANCIAL SERVICES, LLC’S
UNOPPOSED MOTION FOR EXTENSION OF TIME**

Defendants Matrix Warranty Solutions, Inc. (“Matrix”) and Matrix Financial Services, LLC (“Matrix Financial”) (collectively “Matrix Defendants”), by counsel, hereby submit their Memorandum in Support of their Motion for Extension of Time.

Plaintiff filed her Motion for Class Certification (“Motion”), ECF No. 153, on February 21, 2023. The Matrix Defendants’ response deadline is currently March 7, 2023. The Matrix Defendants, for good cause, seek a one-week extension of their response deadline to March 21, 2023.

As part of Plaintiff’s Motion, she relies upon the declarations of four people she claims to be potential class members, and a fifth who allegedly has relevant information but is not a potential class member.¹ Of the five declarations, three were produced by Plaintiff to the Matrix Defendants on January 26, 2023, one on February 8, 2023, and the last one on February 21,

¹ Three of the people that provided declarations were first disclosed in Plaintiff’s Supplemental Initial Disclosures that were served on January 26, 2023. *See* ECF No. 148.

2023, the day Plaintiff filed her motion. Counsel for the parties have been discussing how best to arrange these depositions given Plaintiff's counsel's request that Matrix counsel not communicate directly with these declarants.

In order to properly respond to Plaintiff's Motion and address these declarations, the Matrix Defendants need to depose these five people. Counsel for Plaintiff and the Matrix Defendants have been conferring to coordinate the service of these subpoenas on and/or the scheduling of these five depositions. Two of the five people have been served with subpoenas for their depositions; Plaintiff's counsel represents that it is attempting to help make arrangements for two others, and the fifth now has to be contacted through her separate counsel, which Matrix is attempting to do.

The depositions are tentatively set for March 6th, 7th, and 9th, which is subject to change based on witness and counsel availability. To ensure that the Matrix Defendants have adequate time to take the depositions of these people, obtain the deposition transcripts, and include any relevant testimony in their response, the Matrix Defendants request a one-week extension of their deadline to respond to Plaintiff's Motion, which is the longest amount of time Plaintiff has agreed to.

In further support of the Matrix Defendants' good cause, Plaintiff's class expert, Ms. Anya Verkovskaya, submitted an amended report on December 15, 2022, and was deposed on February 24, 2023, the same day that Plaintiff took the deposition of the Matrix Defendants' expert witness, Mr. Jan Kostyun. The Matrix Defendants also request an extension of their March 7, 2023 response deadline to allow time for them to receive and review Ms. Verkovskaya's deposition transcript and incorporate the relevant testimony it into their response.

Based on the foregoing good cause, the Matrix Defendants respectfully request the Court extend their response deadline to Plaintiff's Motion to March 14, 2023.

Plaintiff does not oppose the relief sought in this Motion.

Dated: February 28, 2023

MATRIX DEFENDANTS

By Counsel

/s/ Kristen Andrews Wilson

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CERTIFICATE OF SERVICE

I certify that on this 28th day of February, 2023, I caused a copy of the Memorandum in Support of the Matrix Defendants' Unopposed Motion for Extension of Time to be filed through the Court's electronic filing system. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties listed below.

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